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OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Mrs. Ella Mae Murphy, President
State Board of Cosmetology
Austin, Texas

Dear Madam:

Opinion No. 0-4456
Re: Construction of appropriation
made to State Board of Cosme-
tology.

Your letter of February 25, asks, in effect, the question whether the rider to your appropriation, discussed in our opinion 0-4292, authorizes the use of the funds therein appropriated to pay salaries for additional clerks hired to conduct the general routine of filing work, where, since the appropriation was made, no new system of record keeping has been or is being installed.

The rider referred to reads as follows:

"Provided further the Board is hereby authorized to install a system of record keeping and there is hereby appropriated the sum of \$11,511.00 for the installation and the sum of \$2,700.00 for additional personnel requirements for the year ending 1942 and the sum of \$9,989.00 for personnel and maintenance for the year ending 1943 out of the State Board of Hairdressers and Cosmetologists' Fund."

In our opinion 0-4292, we held that the funds appropriated by this rider could be expended for the purpose of employing the additional personnel necessary to revise the filing and bookkeeping system then in use by the Board. In that opinion we pointed out that the Legislature did not undertake to prescribe the character of the system of record keeping to be installed, leaving that to the discretion of the Board, and that, therefore, the moneys appropriated might be expended, if the Board thought advisable, for the revision of the existing system.

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We did not hold in that opinion, nor did we intend to imply, that the funds appropriated in the rider were available for expenditure for the purpose of keeping up the existing system of records maintained by the Board at the time the appropriation was made.

The intent of the Legislature seems clearly to have been to provide funds for installing and maintaining a system of record keeping, not to maintain the existing system. While considerable latitude is afforded the Board in selecting the system to be adopted; that is, in determining whether a completely new system should be installed, or whether a new system be effected by revision of the present system, it is not given authority to expend the funds merely to maintain the existing system.

We do not undertake to pass upon the question, which is, apparently, in dispute between you and the other members of the Board as to whether there is in process a revision of the existing system of record keeping.

Yours very truly

ATTORNEY GENERAL OF TEXAS

Grover Cullen

By

R. W. Fairchild

R. W. Fairchild
Assistant

RWF:mp

